

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

YUSEF RHONE,)
)
Petitioner,) Civil Action No. 13-760
)
v.) Judge Cathy Bissoon
) Magistrate Judge Robert C. Mitchell
COMMONWEALTH OF)
PENNSYLVANIA, *et al.*,)
)
Respondents.)

MEMORANDUM ORDER

On June 25, 2013, this case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On September 12, 2013, the Magistrate Judge issued a Report (Doc. 13) recommending that Respondents' Motion to Dismiss (Doc. 11) be granted, and that a certificate of appealability be denied. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

Respondents' Motion to Dismiss (**Doc. 11**) is **GRANTED**; the Petition of Yusef Rhone under 28 U.S.C. § 2254 (**Doc. 4**) is **DISMISSED**; and a certificate of appealability is **DENIED**.

The Report and Recommendation of Magistrate Judge Mitchell dated September 12, 2013
hereby is adopted as the Opinion of the District Court.

October 3, 2013

s\Cathy Bissoon

Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

Yusef Rhone
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